

regulations be amended as set forth in Part IX of Attachment A.

**X. Public Coin Telephone Service -- Sections 63.91-63.98.**

Vibrant pay telephone competition, together with the emergence of Lifeline service and cellular phones as alternatives to pay telephones, has significantly reduced any need for the Commission to continue to regulate the numbers, locations and one-way/two-way service of LEC public phones. It is unduly burdensome for LECs to maintain public phones where they either are not used or are used for illegal purposes. The procedure LECs must now invoke to convert a public phone being used as an "office" by drug dealers or prostitutes to one-way outgoing service is extremely cumbersome and time-consuming for both the LEC and the Commission. It delays the fulfillment of legitimate law enforcement and customer requests.

The coin regulations should be amended to remove all restrictions on the numbers, locations and one-way/two-way service of LEC public phones, other than the "freeze" on the minimum number of public phones each LEC must maintain under Section 63.95(a). This section should be further amended to eliminate this "freeze" requirement for any LEC which either receives Commission approval of its public coin telephone service as a competitive service under Chapter 30 or has a Lifeline service available.

The PTA proposes that the coin regulations be amended as set forth in Part X of Attachment A.

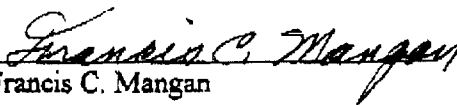
## Conclusion

The Pennsylvania telephone industry has entered an era of increasing competition and burgeoning customer choices of service providers, significantly reducing the need for the present complex micro-regulation of LECs' provision of service to their customers. The PTA respectfully requests that the Commission both consider the PTA's general comments and implement the Chapter 64 and 63 amendments proposed in its specific comments and detailed in Attachment A hereto. The PTA also would appreciate having a further opportunity, as this docket proceeds, to present additional comments on other regulations in these and other chapters which also should be eliminated or changed.

Respectfully submitted,

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ATTACHMENT A -- PROPOSED CHAPTER 64 AND 63 REGULATION CHANGES

PART I. DEFINITION OF "DISPUTE" -- SECTION 64.2

The Section 64.2 "Dispute" definition should be amended as follows:

Dispute -- A disagreement between an applicant, a customer or a customer's designee and a local exchange carrier with respect to the application of this chapter -- including[,] credit determinations, deposit requirements, the accuracy of amounts billed, or the proper party to be charged[. If] -- which is not resolved to the satisfaction of the applicant, customer or customer's designee at the conclusion of the initial inquiry[,] or, where the applicant, customer or customer's designee permits a return call by the local exchange carrier, at the conclusion of such return call. [the customer or customer's designee indicates satisfaction with the resulting resolution or explanation, the contact will not be considered a dispute.] The term "dispute" shall not apply to any disagreement which:

(1) arises from any matter which is outside the scope of this chapter;

(2) arises from the inability of a customer or the customer's designee and the local exchange carrier to enter into a mutually satisfactory payment agreement; or

(3) arises from billing data provided to the local exchange carrier by an interexchange carrier.

PART II. CREDIT AND DEPOSIT STANDARDS -- SECTIONS 64.31-64.41

The credit and deposit regulations should be amended as follows:

**§64.31. Policy statement.**

An essential ingredient of the credit and deposit policies of each local exchange carrier shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or a part thereof. Credit and d[Deposit] policies shall be based on the credit risk of the applicant or customer and, where appropriate, upon the credit history of other occupants of the affected premises, rather than upon [the credit history of the affected premises or upon] the collective credit reputation of or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin or marital status.

**§64.32. Credit standards.**

[Delete all existing language.]

A local exchange carrier shall provide residential service without requiring a deposit, advance payment of toll and/or nonbasic services, and/or a toll and/or nonbasic service credit limit when the applicant satisfies reasonable written credit standards established and uniformly applied by the local exchange carrier pursuant to §64.34. For applicants who request access to toll and/or nonbasic services, local exchange carriers, based on individual credit determinations, may require in addition to a deposit advance payment of such toll and/or nonbasic services or a toll and/or nonbasic service credit limit. When a customer fails to make a required advance payment or exceeds a credit limit, the local exchange carrier may suspend the affected services without any oral or written notice to the customer. The local exchange carrier shall explain the potential immediate suspension without notice consequences of not making advance payments or of exceeding credit limits to the applicant when it informs the applicant that such advance payments or credit limits are required.

**§64.33. Payment of outstanding balance.**

(a) The local exchange carrier may require, as a condition for furnishing any basic, toll and/or nonbasic residential service to an applicant, the payment in full of an outstanding residential account balance with the local exchange carrier [for] which is owed by the applicant [is legally responsible] and for which the applicant was billed properly. [However, the outstanding residential account with the local exchange carrier may be spread

out over a reasonable period of time. Factors to be taken into account shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated.]

[(b) A local exchange carrier may not require, as a condition for the furnishing of residential service, payment for residential service previously furnished under an account in the name of the persons other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished.]<sup>1</sup>

[(c)] (b) This section [may] shall not affect the creditor's rights and remedies of the local exchange carrier otherwise permitted by law.

#### §64.34. Written procedures.

Each local exchange carrier shall establish written procedures for determining the credit status of an applicant. Each local exchange carrier employe processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the local exchange carrier. A copy of the procedures shall be maintained on file in each business office of the local exchange carrier and be made available, upon request, for inspection by the public and the Commission.

(1) Informing applicants of procedures. The local exchange carrier shall fully explain the credit and deposit procedures to each customer or applicant for service unless it is initially determined that a deposit, advance payment of toll and/or nonbasic services, and/or a toll and/or nonbasic service credit limit is not required.

(2) Reasons for deposit or other request. If a deposit, advance payment of toll and/or nonbasic services, toll and/or nonbasic service credit limit, or payment of an outstanding residential account balance is required before furnishing service, the local exchange carrier shall inform the applicant of the reasons for denial or limitation of credit and, where applicable, how to obtain service. Existing customers [will] shall be informed

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<sup>1</sup>Elimination of this subsection will remove the current burden on LECs and the BCS caused by the BCS's having to get involved, unnecessarily, in resolving applicant identification issues when applicants improperly rely on variations in prior account names or intervening spousal name changes to avoid being held responsible for outstanding prior residential account indebtedness. The administrative burdens caused by this subsection encourage subscriber fraud and increased LEC uncollectible debt.

of the reasons for denial or limitation of credit before suspension of service.

**§64.35. Deposit and/or other requirements for existing customers.**

(After the word "deposit" or "deposits" throughout this section add:) , advance payment of toll and/or nonbasic services, and/or a toll and/or nonbasic credit limit

**§64.36. Method of making deposit.**

A local exchange carrier's request for deposit may be satisfied by one of the following:

(1) **Posting a cash deposit.** The following conditions apply:

(i) **Applicants.** The amount of cash deposit required from an applicant [may not exceed the estimated average 2-month bill for local exchange service plus the average 2-month interexchange charges for existing residential customers in the applicant's exchange during the immediately preceding 12-month period. Deposits may be adjusted to maintain a level equal to the estimated average 2-month bill. No more than one half of the deposit amount may be required prior to the providing of service by the utility with the balance of the deposit due no less than 30 days from the initial deposit payment.] shall be based on the local exchange carrier's individual credit determination for the applicant.

(Remainder of section unchanged.)"

**§§64.37-64.40. (Unchanged.)**

**§67.41. Interest.**

Interest at the legal rate [of 9% per annum] provided for in section 202 of the act of January 30, 1974 (P.L. 12, No. 6) shall be payable on deposits without deductions for taxes thereon unless otherwise provided by law. Interest shall be paid annually to the customer or, at the option of either the local exchange carrier or the customer, shall be applied to the customer's bill.

The following conforming amendments should be made to other Chapter 64 sections:

§64.2. Definitions.

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Billing period --

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(Add:) (iv) Advance billing of toll and/or nonbasic services.

§64.12. Due date for payment.

The due date for payment of a monthly bill shall be at least 20 days from the date of mailing by the local exchange carrier to the customer except where the local exchange carrier has negotiated earlier due date arrangements with the customer, such as the customer's advanced payment of toll and/or nonbasic services or the customer's immediate payment of incurred charges exceeding the customer's credit limit for such services.

(Remainder of section unchanged.)

§64.14. Billing information.

(a) Every bill rendered, except advanced billing statements for toll and/or nonbasic services or billing statements for incurred charges exceeding the customer's credit limit for such services, shall clearly state the following information:

(Remainder of section unchanged.)

§64.15. Advance payments.

[Delete existing language.] Payments may be required in advance of furnishing, or continuing to furnish, service when the local exchange carrier determines, based on an applicant's individual credit determination, a customer's payment history or other appropriate circumstances, that such advance payments are necessary to ensure payment for services to be rendered to the applicant or customer.

§64.61. Authorized suspension of service.

Telephone service to a dwelling may be suspended for any of the following reasons:

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(8) Unpaid indebtedness for telephone service previously furnished by the local exchange carrier in the name of the customer or other legally responsible parties living or formerly living with

the customer [within 4 years of the date the bill is rendered].

(Add:) (9) Nonpayment of required advance payments of, or exceeding a required credit limit for, toll and/or nonbasic services.

**\$64.63. Unauthorized suspension of service.**

Unless expressly and specifically authorized by the Commission, basic service may not be suspended and a suspension notice may not be sent for any of the following reasons:

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[(7) (Delete entire subsection.)]

**\$64.71. General notice provisions.**

The local exchange carrier shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension [regardless of the grounds upon which the suspension is sought] except where the proposed suspension is the result of the customer's breach of a payment agreement, nonpayment of required advance payment of toll and/or nonbasic services, or exceeding a toll and/or nonbasic service credit limit.<sup>2</sup>

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<sup>2</sup>The inclusion of a breached payment agreement in the amended Sec. 64.71 exceptions is a conforming change resulting from the proposed amendment to Sec. 64.74(b) (see Part V of Comments and of Attachment A).



PART III. EMERGENCY PROVISIONS/MEDICAL CERTIFICATIONS  
-- SECTIONS 64.101-64.108 AND APPENDICES A AND B

The medical emergency regulations should be amended as follows:

§64.101. General provision.

Except where permitted under §64.104(3), n[N]o local exchange carrier may suspend or refuse to restore basic service to a dwelling when an occupant in that dwelling who currently and normally lives there is certified by a physician to be [seriously ill or affected with a] suffering from an acute and temporary medical condition [which will be aggravated by a complete cessation of service except where access to emergency services by telephone is retained] which may require immediate access to local emergency services by telephone.

§64.102. Postponement of suspension pending receipt of certificate.

If, before suspension of basic service, a local exchange carrier employe is informed [that an occupant is seriously ill or is affected with] of a medical condition[, that the occupant will be endangered by a cessation of service] which meets the criteria of §64.101, and that a medical certification will be procured, suspension of basic service may not occur for at least 3 days. Basic s[S]ervice may be suspended if no certification is produced within the 3-day period.

§64.103. Medical certification.

(a) Certifications by a physician initially may be written or oral, subject to the right of the local exchange carrier to verify the certification by calling the physician or to require written confirmation within 7 days. All certifications, whether written or oral, shall include the following information:

(1) The name, address and telephone number of the customer in whose name the account is registered.

(2) The name and address of the afflicted person and the afflicted person's relationship to the customer.

(3) The nature and anticipated length of the [affliction] medical condition being certified.

(4) The name, office address and telephone number of the certifying physician.

(5) The specific reason why access to basic [telephone] service must be maintained.

(b) Where the information provided by a physician under subsection (a) (3) indicates that medical condition certified is not both acute and temporary, as required by §64.101, the local exchange carrier shall reject the medical certification and advise the customer of such rejection and the reasons for it.

§64.104. Length of postponement; renewals.

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(Add:) (3) Where a prior medical certification has been given for an occupant of a dwelling, the local exchange carrier may decline to accept any subsequent new medical certification for the same or another dwelling occupant unless and until all outstanding telephone service charges owed by the customer are paid.

§64.106. Duty of customer to pay bills.

Whenever basic service is restored or suspension postponed under the medical emergency procedures, the customer shall[: (1) M]make timely payment for all service provided by the local exchange carrier after the date on which service is restored or suspension postponed.

[(2) Restrict interexchange usage to an amount no greater than \$25 in a billing period while the medical certification is in effect.]

The word basic should be inserted before all references to "service" in §§64.104, 64.105, 64.107 and 64.108(a).

#### APPENDIX A -- MEDICAL EMERGENCY NOTICE

If you[,] or anyone presently and normally living in your home is [SERIOUSLY ILL] suffering from an acute and temporary medical condition, [WE WILL NOT CUT OFF YOUR TELEPHONE SERVICE] we will not cut off your basic telephone service for up to 30 days during such [illness] medical condition provided you:

(a) Have a physician certify by phone or in writing that such a[n illness] medical condition exists [and that the person will be endangered if your telephone service is stopped] and that this condition may require immediate access to local emergency services by telephone.

(Remainder of notice unchanged.)

The foregoing Appendix A changes should also be made to APPENDIX B  
-- MEDICAL EMERGENCY RESTORATION NOTICE, except that restore should  
replace [not cut off].

PART IV. INFORMAL COMPLAINT STAYS/DECISIONS -- SECTION 64.153

Section 64.153 should be amended as follows:

§64.153. Commission informal complaint procedures.

(a) The timely filing of an informal complaint acts as a limited stay and the local exchange carrier may not suspend or terminate service [pending resolution of the informal complaint] based on the complaining party's nonpayment of any billed amount which is contested in the informal complaint until such complaint is resolved. This limited stay shall not prevent the local exchange carrier from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where such suspension or termination is otherwise permitted under this chapter.

(b) Upon the filing of an informal complaint, which shall be docketed as "(complainant) v. (company)," Commission staff will immediately notify the utility, review the dispute, and, within [a reasonable period of time] 30 days after receiving local exchange carrier data pertinent to the dispute pursuant to (b)(1) of this section, [issue to] advise the utility and the complaining party [an informal report with findings and a] of its decision. [The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.] The Commission staff should render its informal complaint decisions orally whenever practicable. Where the Commission staff elects to prepare a written decision, it shall send such decision to the utility and the complaining party within the aforesaid 30-day deadline.

(Remainder of section unchanged.)

The following conforming amendments should be made to other Chapter 64 sections:

§64.72. Suspension notice information.

A notice of suspension shall clearly and fully include the following information, where applicable, in conspicuous print:

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(4) The date on or after which service will be suspended unless one of the following occurs:

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(iv) A dispute contesting all or a substantial portion of the amount currently due is filed with the local exchange carrier.

**§64.133. Termination stayed.**

Except as otherwise provided in this chapter, where a dispute is properly registered in accordance with this subchapter, suspension or termination based on disputed portions of the bill is prohibited until resolution of the dispute[; h] However, the disputing party shall pay all undisputed portions of the bill, and if the disputing party does not do so, the local exchange carrier may suspend or terminate service based on such nonpayment, where such suspension or termination is otherwise permitted under this chapter.

**§64.161. General rule.**

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(b) The timely filing of a formal complaint acts as a limited stay and the local exchange carrier shall not suspend or terminate service [pending resolution of the formal complaint] based on the complaining party's nonpayment of any billed amount which is contested in the formal complaint until such complaint is resolved. This limited stay shall not prevent the local exchange carrier from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where such suspension or termination is otherwise permitted under this chapter.

PART V. PAYMENT AGREEMENTS AND SUSPENSIONS -- SECTION 64.74

Section 64.74(b) should be amended as follows:

§64.74. Procedures upon customer contact before suspension.

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(b) The local exchange carrier, through its employees, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement shall include but not be limited to the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated. When a payment agreement is reached and is subsequently breached by the customer, the outstanding balance still owed under the agreement shall be deemed immediately due and owing, the local exchange carrier shall be under no obligation to reach a new payment agreement with the customer, and the local exchange carrier may suspend the customer's service without any further oral or written notice. The local exchange carrier shall explain to the customer the consequences of breaching a payment agreement, including possible suspension of service without further notice, at the time the payment agreement is reached.

(Remainder of section unchanged.)

The following conforming amendments should be made to Sections 64.11 and 64.61 to clarify that a customer cannot avoid breaching a payment agreement, or avoid other payment obligations, and thereby delay suspension or termination through the ruse of submitting a bad check:

§64.11. Method of payment.

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned unpaid to the local exchange carrier by a financial institution for a reason for which the customer is at fault. When [payment is made by] a tendered personal check [which] is returned unpaid to the local exchange carrier by a financial institution for a reason for which the customer is at fault, the local exchange carrier may treat such unpaid check as a payment never made by the customer and, if it does so, shall not be obligated to halt suspension or termination action based on its receipt of this check from the customer. The

local exchange carrier also may impose a handling charge, the amount of which shall be set forth in the carrier's approved tariff. Notwithstanding the foregoing provisions, the local exchange carrier may not proceed with suspension or termination of service based on a disputed billed amount or impose a [No] handling charge [will be imposed] if the customer stops payment on a check due to a good faith billing dispute.

**\$64.61. Authorized suspension of service.**

Telephone service to a dwelling may be suspended for any of the following reasons:

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(9) (See proposed addition in Part II.)

(Add:) (10) Payment to prevent suspension or termination or to restore service after suspension or termination with a check that is returned unpaid to the local exchange carrier by a financial institution for a reason for which the customer is at fault.

PART VI. SEPARATE BILLING OF SERVICES BY TYPE -- SECTION 64.21

Section 64.21 should be amended as follows:

§64.21. Separate billing for [nonbasic service, toll service and] basic service.

(a) Charges for [nonbasic service, toll service and] basic service shall be billed separately from charges for other services.

(b) A customer's failure to pay charges for [nonbasic] other services may not be a basis for termination of basic service unless the local exchange carrier is technically unable to terminate the other services without also terminating basic service.

[(c) A customer's failure to pay charges for toll service may not be a basis for termination of basic service unless the local exchange carrier is technically unable to terminate toll service without also terminating basic service.]

Because the separate billing and resultant "potting" of basic, toll and nonbasic services are such structural linchpins of Chapter 64, Commission acceptance of the proposed amendments to Section 64.21 will require myriad conforming changes throughout Chapter 64. The PTA is ready and willing to work with the Commission to identify, and propose amendatory language to effect, these conforming changes.



PART VII. HANDLING OF SERVICE COMPLAINTS  
-- SECTIONS 63.15 AND 63.21

Sections 63.15 and 63.21 should be amended as follows:

§63.15. Complaint procedures.

(a) A public utility shall make an [full and prompt] appropriate and timely investigation of complaints made to it or through the Commission by its customers or third parties. Where complaints are referred to the public utility through the Commission, the public utility and the Commission shall work together to process and resolve the complaints, and shall do so orally whenever practicable, subject to the recordkeeping requirements of subsections (b) and (c).

(Remainder of section unchanged.)

§63.21. Directories.

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[(e) (Delete entire subsection.)]

PART VIII. ACCOUNTS AND RECORDS -- SECTIONS 63.31-63.36

Sections 63.31-63.36 should be amended as follows:

**§63.31. Classification of [telephone] public utilities.**

(a) For accounting and reporting purposes, [telephone] public utilities are classified as follows:

(1) **Class A.** [Telephone] P[p]ublic utilities having both 50,000 or more access lines and [average] annual gross operating revenues exceeding [\$100,000] \$20 million for the utility's three most recent financial years, measured as of the utility's financial year ends.

(2) **Class B.** [Telephone] P[p]ublic utilities having less than 50,000 access lines or [average] annual gross operating revenues [exceeding \$50,000 but not more than \$100,000] of less than \$20 million for one or more of the utility's three most recent financial years, measured as of the utility's financial year ends.

[(3) (Delete entire subsection)]

[(4) (Delete entire subsection)]

[(b) Classification of a telephone public utility is determined by its average annual telephone operating revenues for 3 consecutive years. A change in the classification of a utility shall be made when its average annual telephone operating revenues for 3 consecutive years exceed the maximum of its class.]

**§63.32. System of accounts.**

(a) Class A and Class B [telephone] public utilities shall . . . (remainder of subsection unchanged).

(b) (Reserved.)

(c) Class [C and D] B [telephone] public utilities, in the absence of a prescribed system of accounts for Class [C and Class D] B [telephone] public utilities shall keep the accounts as will be adequately informative for reasonable and foreseeable regulatory purposes.

(d) A [telephone] public utility . . . (remainder of subsection unchanged.).

**§63.33. Integrity of reserve accounts to be preserved.**

Amounts in Class A and Class B reserve accounts [169-173 inclusive, and in Class C accounts 185 and 190, reserved] as of the effective date . . . (remainder of section unchanged.)

In all references to "telephone public utility" or "telephone public utilities" in §§63.34-63.35, the word [telephone] should be deleted.

The following subsections of §§63.34-63.35 also should be amended as follows:

§63.34 Preamble Delete [100:1, 100:2, 100:3, 100:4 and 100:7 of the uniform accounting system] and insert in its place within the uniform system of accounts.

(5)(ix) Delete [100.1, "Telephone plant in service,"] and insert in its place 2XXX.X, "Telecommunications Plant In Service,".

(9) Same change as in (5)(ix) above.

(12) Delete existing language and replace with Statement M. Statement M shall be an analysis of "Telephone Plant Acquisition Adjustment" and "Telephone Plant Adjustment" subaccounts of account 2005.X, "Telecommunications Plant Adjustment," showing the character and the basis for computation of each amount included and proposed to be included.

(13) Delete last three line of subsection and insert in their place system of accounts, in the "Telephone Plant-Acquisition Adjustment" and "Telephone Plant Adjustment" subaccounts of account 2005.X, "Telecommunications Plant Adjustment," of the uniform system of accounts prescribed by §63.32.

§63.35 (a) Delete existing language and replace with A public utility shall keep and preserve its records in conformity with the Federal Communications Commission's Preservation of Records Rules and Regulations (47 CFR Part 42.

(b) Delete entire subsection. (This subsection is no longer necessary because the FCC record retention rules address retention of continuing property records.)

§63.36. (Unchanged.)

PART IX. EXTENDED AREA SERVICE -- SECTIONS 63.71-63.77

The Extended Area Service regulations should be amended as follows:

§63.71. Definitions.

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[Full billing and collection agreement -- (Delete entire definition.)]

§63.72. Traffic usage studies.

[A] Each local exchange carrier and traffic study inter-exchange carriers shall [conduct] collect data for a biennial interexchange toll traffic usage study. . . . The local exchange carrier shall prepare a report containing intraLATA data results of the study. (Remainder of section unchanged.)

§63.72a. InterLATA traffic [studies] data.

(a) By January 31 of each year in which a biennial traffic usage study is due, each local exchange carrier will identify and formally notify the Commission of the traffic study interexchange carriers in its service territory. The identity of the traffic study interexchange carriers shall be based upon review of the access charge levels for the most recent 12-month period available. [Each local exchange carrier shall concurrently] After receipt of this notification, the Commission will promptly notify each traffic study interexchange carrier of the following:

(1) That the interexchange carrier['s traffic] will be required to include[d] its traffic in the [local exchange carrier's] traffic usage study required under this subchapter.

(2) The format which the local exchange carrier will utilize in its portion of the traffic usage study.

(3) The representative month the local exchange carrier will use in its portion of the study.

(b) Each traffic study interexchange carrier shall provide the [local exchange carrier] Commission and the Office of Consumer Advocate with data which identifies the relevant interexchange traffic completed by the interexchange carrier and which originated in the local exchange carrier's service territory for the representative month used by the local exchange carrier. The data shall be submitted [to the local exchange carrier] to the Commission and the Office of Consumer Advocate by June 1 of each year in which a biennial traffic usage study is due. [(Delete

remainder of subsection.))]

(c) The data submitted by each traffic study interexchange carrier shall be organized consistent with the following:

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(4) Data submitted by a traffic study interexchange carrier [to a local exchange carrier] shall be considered proprietary to the traffic study interexchange carrier [and may not be used by the local exchange carrier for a purpose other than preparing its traffic usage study].

[(d) (Delete entire subsection.))]

#### **\$63.73. Optional calling plans.**

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(c) When biennial interexchange toll traffic usage studies, after taking into account traffic data submitted by traffic study interexchange carriers pursuant to §63.72a, reveal . . . route, the Commission shall so advise each traffic study interexchange carrier, and each traffic study interexchange carrier . . . (remainder of subsection unchanged.).

(Remainder of section unchanged.)

#### **\$63.74. EAS polls.**

Whenever a traffic usage study between contiguous exchanges or between qualified noncontiguous exchanges qualifies the calling exchange for EAS under paragraphs (1) and (2), a subscriber poll of the calling exchange shall be conducted by the local exchange carrier serving the calling exchange to determine if the local calling area should be extended.

(1) (Unchanged.)

(2) For interLATA routes, a route qualifies for EAS if it has an average monthly calling frequency of 5.50 or more calls per access line from one exchange to another. When the traffic data submitted by traffic study interexchange carriers pursuant to §63.72a indicates that an interLATA route qualifies for EAS, the Commission will advise the local exchange carrier of this result and of the need for a subscriber poll.

(Remainder of section unchanged.)

§63.75. Subscriber polls.

The following rules apply to EAS subscriber polls:

(1) Within 180 days of the submission of intraLATA traffic usage data indicating, or of being advised by the Commission after its review of interLATA traffic usage data, that an intraLATA or interLATA route qualifies for EAS under §63.74 (relating to EAS polls), . . . (remainder of section unchanged.)

§63.76. EAS complaints. (Unchanged.)

§63.77. Evaluation criteria.

The Commission will consider the following criteria in evaluating EAS complaints:

(1) The amount of toll charge traffic between the two exchanges and other relevant calling statistics pertaining to such traffic.

(2) The cost to the utility of implementing extended area service, including but not limited to reductions in toll revenues and the costs of reengineering and/or installing new network facilities, changing billing systems and performing required training.

(3) (Unchanged.)

(4) The demography and the proximity of the exchanges as indicating community of interest within 16 miles from rate center to rate center.

(5) The availability of alternatives to EAS, including optional calling plans.

(6) (Unchanged.)

PART X. PUBLIC COIN TELEPHONE SERVICE -- SECTIONS 63.91-63.98

The public coin telephone regulations should be amended as follows:

§63.91-63.94. (Unchanged.)

§63.95. Sufficiency of public telephone service.

(a) A local exchange carrier shall maintain the number of public telephones within its service territory which existed on December 31, 1985, except where a local exchange carrier public telephone is replaced by a comparable public telephone. As of January 1, 1986, a local exchange carrier may eliminate a public telephone where it is replaced by a comparable public telephone. Subject to the other provisions of this subsection, a local exchange carrier also may eliminate a public telephone where removal of the telephone is requested by a law enforcement agency or other governmental body, a coin telephone agent or another party, or where the local exchange carrier determines there is insufficient usage of the telephone to warrant its retention.

(b) [Delete all existing language.]] Notwithstanding the requirements of subsection (a), a local exchange carrier shall not be required to maintain any number of public telephones within its service territory where it either has received Commission approval of its public coin telephone service as a competitive service under section 1 of the act of July 8, 1993 (P.L. 456, No. 67), or has a Lifeline service available.

[(c) (Delete entire subsection.)]

[§63.96. Service requirements for coin telephones.

(Delete entire section.)]

§§63.97 and 63.98 should be renumbered §§63.96 and 63.97.

# CHAPTER 64: Standards & Billing Practices for Residential Telephone Services



**CHAPTER 64. STANDARDS  
AND BILLING PRACTICES  
FOR RESIDENTIAL TELEPHONE  
SERVICE**

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